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PART-I

Notifications, Orders and Declarations by Haryana Government

STATE ELECTION COMMISSION, HARYANA
Nirvachan Sadan, Sector- 17, Panchkula, Haryana – 134109

Order

The 24th March, 2021

No. SEC/3ME/2021/855.— The General Election of Municipal Corporation, Faridabad was held on 08.01.2017 and the result of the elected candidates was declared on the same day.

2. Section 8B of the Haryana Municipal Corporation Act, 1994, every candidate at an election shall, either himself or by his election agent, keep a separate and correct account of all expenditure in connection with the election incurred or authorized by him or by his election agent from the date of filing of nomination papers to the date of declaration of the result thereof, both dates inclusive. The account shall contain such particulars, as may be notified by the State Election Commission in this behalf. The total of the said expenditure shall not exceed such amount as may be notified by the State Election Commission from time to time.

3. Section 8D of the Haryana Municipal Corporation Act, 1994 read with Section 10 A of the Representation of People Act, 1951 further provides that if the Election Commission is satisfied that a person-

- (a) has failed to lodge an account of election expenses, within the time and in the manner required by or under this Act, and
- (b) has no good reason or justification for the failure

the Election Commission shall, by order published in the Official Gazette, declare him to be disqualified and any such person shall be disqualified for a period of three years from the date of the order.

4. In pursuance of the above provisions, the State Election Commission, Haryana *vide* its notification No.SEC/3ME/2015/628, dated 03.06.2015 in exercise of powers vested under clause (i) Article 243 ZA of the Constitution of India, sub-section 3 of Section 8B of the Haryana Municipal Corporation Act, 1994 had prescribed the limit of expenditure of Rs.2,10,000/- that may be incurred by the contesting candidate or his authorized agent in connection with election of Municipal Corporation, Faridabad and account of election expenses shall be filed/lodged with the Deputy Commissioner or any other officer prescribed by the Commission within 30 days from the date of declaration of the result of election.

5. The State Election Commissioner, Haryana in exercise of powers contained under Section 9(1A) of the Haryana Municipal Corporation Act, 1994 authorized Assistant State Election Commissioner, State Election Commission, Haryana *vide* order No.SEC/IME/2020/1833, dated 12.11.2020 to decide the cases of disqualification of the candidates, who failed to lodge their account of election expenses within the prescribed time.

6. As reported by the Deputy Commissioner, Faridabad, the following candidates had contested the election of Municipal Corporation Faridabad held on 08.01.2017 but failed to submit their election expenditure account:-

Sr. No.	Name of Candidate	Ward No.
1.	Om Parkash Dhingra	15
2.	Mohsin Khan	16
3.	Renu	23
4.	Naresh Chand	28
5.	Bal Kishan	36
6.	Seema Rani	38
7.	Harparsad Gaur	39
8.	Siri Chand	39

7. The Commission had served a show cause notice upon them to explain as to why they should not be disqualified on account of non submission of election expenditure account within the period. They neither submitted their election expenditure statement nor responded to the show cause notice. I, had given them an opportunity of personal hearing on 29.01.2021 at 12.30 PM in the office of State Election Commission, Haryana, "Nirvachan Sadan", Plot No.2, Sector-17, Panchkula in the interest of natural justice. Joint Commissioner, NIT, Faridabd sent an email dated 25.01.2021 and submitted the notice has been served to all the candidates. It has been observed that notice of personal hearing has been delivered to all the candidates in person or through their family members.

8. Candidate mentioned at Sr.No.1 was present during hearing and he has already submitted his election expenditure register on 13.02.2017, during personal hearing he was asked to explain the reason to file his election expenditure beyond the prescribed time limit, he submitted medical certificate. So far as filing the expenditure statement beyond the prescribed time limit is concerned reply filed by the above said candidate has been examined and found to be satisfactory and allowed to file their expenditure statement beyond the time limit and the show cause notice issued shall be treated as withdrawn.

9. Candidate mentioned at Sr.No.2 was present during hearing. During personal hearing he has submitted a receipt regarding submission of election expenditure register to Account Officer, HUDA. After considering the receipt of depositing the election expenditure statement, it has been decided that the said candidate has deposited his election expenditure statement within the prescribed time period and the show cause notice issued shall be treated as withdrawn.

10. Sh. Devender Singh who appeared on behalf of candidate mentioned at Sr. No.3 has submitted that his wife could not appear due to illness. He further stated that at the time filing the election expenditure she was ill and could submit her election expenditure statement within the prescribed time limit. He submitted a medical certificate in this regard. So far as filing the expenditure statement beyond the prescribed time limit is concerned reply filed by the above said candidate has been examined and found to be satisfactory and allowed to file their expenditure statement beyond the time limit and the show cause notice issued shall be treated as withdrawn.

11. Candidate mentioned at Sr.No.4 appeared for personal hearing and submitted that due to his father's death, he could not file his expenditure statement within the prescribed time limit. He has also submitted his father's death certificate. The expenditure statement has been examined and the expenditure so incurred has been found within the expenditure limit prescribed by the Commission. So far as filing the expenditure statement beyond the prescribed time limit is concerned reply filed by the above said candidate has been examined and found to be satisfactory and allowed to file his expenditure statement beyond the time limit and the show cause notice issued to him shall be treated as withdrawn.

12. Candidate mentioned at Sr.No.5 submitted that he was not well due to illness and a medical has been submitted. The expenditure statement has been examined and the expenditure so incurred has been found within the expenditure limit prescribed by the Commission. So far as filing the expenditure statement beyond the prescribed time limit is concerned, the candidate has been allowed to file his expenditure statement beyond the time limit and the show cause notice issued shall be treated as withdrawn.

13. Candidate mentioned at Sr.No.6 submitted that she was not well due to illness and a medical has been submitted. The expenditure statement has been examined and the expenditure so incurred has been found within the expenditure limit prescribed by the Commission. So far as filing the expenditure statement beyond the prescribed time limit is concerned, explanation of the said candidate found to be satisfactory and allowed to file her expenditure statement beyond the time limit and the show cause notice issued shall be treated as withdrawn.

14. Candidate mentioned at Sr.No.7 submitted that due to illness he could not submit election expenditure statement within the prescribed time limit; he has also submitted a medical certificate. The expenditure statement has been examined and the expenditure so incurred has been found within the expenditure limit prescribed by the Commission. So far as filing the expenditure statement beyond the prescribed time limit is concerned, explanation of the said candidate found to be satisfactory and allowed to file his expenditure statement beyond the prescribed time limit and the show cause notice issued shall be treated as withdrawn.

15. Candidate mentioned at Sr.No.8 submitted that due to illness he could not submit his election expenditure within the prescribed time limit. He has also submitted a medical certificate in his support. The expenditure statement has been examined and the expenditure so incurred has been found within the expenditure limit prescribed by the Commission. So far as filing the expenditure statement beyond the prescribed time limit is concerned, explanation of the said candidate found to be satisfactory and allowed to file his expenditure statement beyond the time limit and the show cause notice issued shall be treated as withdrawn.

16. The office is directed to send a copy of this order to the candidate concerned through Deputy Commissioner, Faridabad immediately.

Panchkula:
The 22nd March, 2021.

PARMAL SINGH,
Asstt. State Election Commissioner, Haryana.